

IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF NEBRASKA

UNITED STATES OF AMERICA,

Plaintiff,

vs.

DAVID L. JOHNSON, JR.,

Defendant.

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8:09CR28

ORDER

This matter is before the court on the motion for an extension of time by defendant David L. Johnson, Jr. (Johnson) (Filing No. 20). Johnson seeks additional time in which to file pretrial motions in accordance with the progression order (Filing No. 12). Johnson's counsel represents that government's counsel has no objection to the motion. Johnson's counsel represents that Johnson agrees with the motion and understands the additional time may be excluded under the computations of the Speedy Trial Act. Upon consideration, the motion will be granted

**IT IS ORDERED:**

Defendant Johnson's motion for an extension of time (Filing No. 20) is granted. Johnson is given until **on or before April 6, 2009**, in which to file pretrial motions pursuant to the progression order. The ends of justice have been served by granting such motion and outweigh the interests of the public and the defendant in a speedy trial. The additional **time** arising as a result of the granting of the motion, i.e., the time between **February 13, 2009 and April 6, 2009**, shall be deemed **excludable** time in any computation of time under the requirement of the Speedy Trial Act for the reason defendant's counsel requires additional time to adequately prepare the case, taking into consideration due diligence of counsel, and the novelty and complexity of this case. The failure to grant additional time might result in a miscarriage of justice. 18 U.S.C. § 3161(h)(8)(A) & (B).

DATED this 13th day of February, 2009.

BY THE COURT:

s/ Thomas D. Thalken  
United States Magistrate Judge